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FIRST GENERAL COUNSEL'S REPORT

2003 OCT -2 A 11: 52

**SENSITIVE**

MUR: 5169

DATE COMPLAINT FILED: January 30, 2001

DATE OF NOTIFICATION: February 5, 2001

DATE ACTIVATED: December 18, 2002

STATUTE OF LIMITATIONS: December 10, 2004

MUR: 5190

DATE COMPLAINT FILED: April 4, 2001

DATE OF NOTIFICATION: April 11, 2001

DATE ACTIVATED: December 18, 2002

STATUTE OF LIMITATIONS: December 10, 2004

STAFF MEMBER: Daniel E. Pollner

**SOURCE: COMPLAINT GENERATED**

**COMPLAINANTS:**

MUR 5169: James Mangia and Harry Kresky

MUR 5190: Virginia Reform Party

**RESPONDENTS:**

**MUR 5169:** Reform Party 2000 Convention Committee, and  
Gerald Moan, Treasurer  
Reform Party of the United States of America, and  
Mark Lauterman, as Treasurer  
Buchanan for President, Inc.

**MUR 5190:** Reform Party 2000 Convention Committee,  
Gerald Moan, Treasurer  
Dale A. Cooter, Esq.  
Reform Party of the United States of America, and  
Mark Lauterman, Treasurer<sup>5</sup>  
Cooter, Mangold, Tompert & Wayson, P.L.L.C.  
Pat Choate  
Patrick J. Buchanan

**RELEVANT STATUTES  
AND REGULATIONS:**

26 U.S.C. § 9008(a)  
26 U.S.C. § 9008(c)  
26 U.S.C. § 9008(g)  
26 U.S.C. § 9012(c)  
11 C.F.R. § 9008.3(a)(2)  
11 C.F.R. § 9008.7(a)  
11 C.F.R. § 9008.11  
11 C.F.R. § 9008.12(b)

**INTERNAL REPORTS CHECKED:**

Audit Documents  
Financial Reports

<sup>5</sup> In MUR 5190, the Reform Party of the United States of America and its treasurer were named as respondents, received a copy of the complaint, and filed a joint response with the Reform Party 2000 Convention Committee and its treasurer.

1 **I. INTRODUCTION**

2 This First General Counsel's Report covers four matters under review ("MURs")

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5 Each MUR arose from a  
6 complaint filed with the Commission. Due to substantial factual and legal overlap, we  
7 address all four MURs in this Report.

8 **II. OVERVIEW**

9 The Committee was established as a "convention committee" of the Reform Party  
10 of the United States of America ("RPUSA") pursuant to the Presidential Election  
11 Campaign Fund Act ("Fund Act"), which provides public financing for presidential  
12 election campaigns and nominating conventions.<sup>6</sup> To qualify for public funding for its  
13 presidential nominating convention, a party must establish a "convention committee" to  
14 be "responsible for conducting the day to day arrangements and operations of that party's  
15 presidential nominating convention." 11 C.F.R. § 9008.3(a)(2). Pursuant to the Fund  
16 Act, the Committee received \$2,522,690 in federal funding to pay for certain allowable  
17 convention expenses.<sup>7</sup>

18 **III. BACKGROUND**

19 Due to the complicated and controversial series of events surrounding the RPUSA  
20 between the 1996 and the 2000 elections, a factual background is necessary to adequately  
21 discuss the issues raised in these MURs.

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<sup>6</sup> See 26 U.S.C. § 9001, *et seq.* The Committee registered with the Commission as a national committee of the RPUSA by filing a statement of organization on October 9, 1999.

<sup>7</sup> The use of these funds is governed by 11 C.F.R. § 9008.7(a), which sets forth the types of expenses that may be paid with public funding.

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**A. 1996-2000: Between Presidential Elections**

In the 1996 general election, Ross Perot and Pat Choate ran as the Reform Party candidates for President and Vice President, respectively. The Perot/Choate ticket received a sufficient portion of the vote to entitle the party to public money for its 2000 presidential nominating convention under the Fund Act. The public funds were disbursed to the Committee in two installments, one in December 1999 and the other in June 2000.

In the summer of 1999, a RPUSA meeting was held in Dearborn, Michigan, at which time John Gargan was elected Chairman of the RPUSA and Ronn Young was elected Treasurer. After the Dearborn Convention, the RPUSA established the Committee (*i.e.*, the convention committee), and Mr. Gargan appointed Mr. Young as Chairman and Treasurer of the Committee.

In late 1999, a group within the party sought to recruit Patrick J. Buchanan to be the party's presidential nominee in 2000. Mr. Gargan and Mr. Young were apparently opposed to Mr. Buchanan as the party's presidential candidate. On February 12, 2000, a meeting of the RPUSA National Committee was held in Nashville, Tennessee. ("Nashville Meeting"). Mr. Gargan, as Chairman, refused to call the meeting to order, but Gerald Moan, as Vice Chairman, did so. Thereafter, pursuant to the Party's constitution, the National Committee removed Mr. Gargan as Chairman and replaced him with Mr. Choate. The National Committee also at that time removed Mr. Young as Treasurer and replaced him with Tom McLaughlin. Mr. Choate, as Chairman, then appointed Mr. Moan as the Chairman and Treasurer of the Committee, replacing Mr. Young, who had been appointed to those posts by Mr. Gargan just a few months earlier. Thus, at the Nashville Meeting, Mr. Choate and Mr. Moan, who supported Mr. Buchanan, replaced Mr. Gargan and Mr. Young, who opposed Mr. Buchanan.

1 Mr. Young and Mr. Gargan, disputing the validity of the Nashville Meeting,  
2 refused to recognize the actions taken there and refused to cede control over the party.  
3 Mr. Choate and Mr. Moan filed a lawsuit in federal court in Virginia against Mr. Gargan  
4 and Mr. Young to validate the actions taken at the Nashville Meeting and obtain control  
5 over the public money that had been paid to the Committee. The U.S. District Court for  
6 the Western District of Virginia in Lynchburg ("Lynchburg Court") ruled in favor of  
7 Mr. Choate and Mr. Moan, concluding that Mr. Gargan and Mr. Young had been duly  
8 removed from their respective offices at the Nashville Meeting.<sup>8</sup> Mr. Choate and  
9 Mr. Moan took control over the RPUSA and the Committee pursuant to the court ruling.

10 **B. 2000 Primary and Nominating Convention**

11 Once the new leadership was in place, plans went forward for the Party to hold its  
12 2000 nominating convention in Long Beach, California. The RPUSA conducted pre-  
13 convention primary balloting by mail. The two leading candidates for the presidential  
14 nomination were Mr. Buchanan and John Hagelin. Pursuant to party rules, various  
15 groups of voters were sent primary ballots, including voters on lists submitted by the  
16 candidates. As the date of the convention neared, Buchanan supporters and Hagelin  
17 supporters began to complain of each other's voter lists.

18 On August 10, 2000, Mr. Moan convened a nominating convention at the Long  
19 Beach Convention Center ("Long Beach Convention"). Claiming they had been wrongly  
20 denied access to the Long Beach Convention, a group of Hagelin supporters convened a  
21 competing convention across the street from the convention center, which was presided  
22 over by James Mangia (complainant in MUR 5169) and Sue Harris DeBauche

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<sup>8</sup> *Reform Party of the United States v. Gargan*, 89 F.Supp.2d 751 (W.D. Va. 2000). The Lynchburg Court concluded that the Nashville Meeting had been duly called to order by the Party's Vice-Chairman, Mr. Moan, after the Chairman had refused to do so. The court further concluded that the National Committee's removal of Mr. Gargan and Mr. Young had been in accordance with the Party's constitution.

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1 (complainant in MUR 5190). Those in attendance at the Long Beach Convention  
2 selected Mr. Buchanan as the party's presidential nominee and Ezola Foster as its vice-  
3 presidential nominee. Meanwhile, those in attendance at the other convention, purporting  
4 to be conducting the party's official nominating convention, nominated Mr. Hagelin as  
5 the RPUSA presidential nominee and Nat Goldhaber as its vice-presidential nominee.

6 After the two conventions, supporters of Mr. Buchanan and Ms. Foster began  
7 promoting them as the party's nominees and attempted to place their names on state  
8 ballots for the upcoming general election. At the same time, supporters of Mr. Hagelin  
9 and Mr. Goldhaber began promoting them as the party's nominees and attempted to place  
10 their names on state ballots. While these competing factions were engaged in securing  
11 ballot access for their respective nominees, Mr. Moan filed a lawsuit in California  
12 Superior Court in Los Angeles ("California Court") seeking a judicial determination that  
13 the Long Beach Convention was valid and that Mr. Buchanan and Ms. Foster were the  
14 party's legitimate nominees.<sup>9</sup> The Hagelin supporters, who were defendants in the  
15 lawsuit filed by Mr. Moan, responded by asserting that the Long Beach Convention was  
16 invalid.

17 The California Court rejected the Hagelin supporters' contention that the Long  
18 Beach Convention was invalid and issued an injunction against Mr. Hagelin.  
19 Mr. Goldhaber and their supporters that prohibited them from promoting Mr. Hagelin and  
20 Mr. Goldhaber as the party's nominees. Specifically, the California Court made the  
21 following findings:

- 22 • The Meeting and Convention chaired by Gerald Moan [*i.e.*, the Long  
23 Beach Convention] was conducted in conformity with the Reform  
24 Party Constitution. The Meeting and Convention chaired by

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<sup>9</sup> See *Reform Party of the United States v. Hagelin*, No. 028469 (Super. Ct. Cal. 2000).

James Mangia, which resulted in the John Hagelin nomination, violated the Reform Party Constitution;

- Patrick J. Buchanan was properly nominated as the party's candidate for President and Ezola Foster was nominated as its candidate for Vice President. The nominations were in conformity with the Reform Party Constitution; and
- The [Hagelin Supporters] have no colorable claim that they are, or represent, the official Reform Party of the United States of America or the official candidate of the Reform Party.

Thus, the California Court upheld the legality of the Long Beach Convention and the Buchanan/Foster nominations.

**C. Public Financing for the General Election**

While the proceedings in the California Court were ongoing, Mr. Buchanan and Ms. Foster, claiming to be the official RPUSA candidates, asked the Commission to certify the payment of approximately \$13 million in public money for their general election campaign. Mr. Hagelin and those supporting him challenged Mr. Buchanan's and Ms. Foster's entitlement to the public funding, claiming that the Long Beach Convention was not conducted in accordance with the party's rules and, thus, Mr. Buchanan and Ms. Foster had not been duly nominated.

The Commission rejected the challenges mounted by the Hagelin supporters and certified approximately \$13 million in public funding for the Buchanan/Foster general election campaign.<sup>10</sup> The Commission did not, however, directly address the legality of the Long Beach Convention out of concern that doing so would "entangle [the Commission] in the complexities of party rules or procedures." Moreover, the Commission determined that the legality of the Long Beach Convention was irrelevant

<sup>10</sup> See *Request to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster*, Statement of Reasons, LRA 598 (Nov. 2, 2000).

1 because "the Fund Act does not define eligibility in terms of a political party's actions."  
2 Instead, to receive public money under the Fund Act, a candidate must qualify to be on  
3 the ballot as the candidate of the party in ten or more states. Since Mr. Buchanan and  
4 Ms. Foster had demonstrated their entitlement to be on the ballot as the RPUSA nominees  
5 in more than ten states, the Commission determined that they were entitled to receive  
6 public money under the Fund Act.

7 **D. Audit of the Convention Committee**

8 The Commission's Audit Division conducted the statutorily mandated audit of the  
9 Convention Committee, which resulted in a final audit report ("FAR") that was approved  
10 by the Commission on September 26, 2002.<sup>11</sup> The FAR included a finding that  
11 approximately \$338,000 in expenditures by the Committee were not legitimate  
12 convention expenses under the Fund Act and, therefore, could not be paid with public  
13 funds. Consequently, the Commission issued a repayment determination, which requires  
14 the RPUSA to repay to the U.S. Treasury the \$333,558 that was improperly used.<sup>12</sup>

15 The largest component of the repayment determination was a \$300,000 payment  
16 to The Performance Group ("TPG") for consulting services.<sup>13</sup>

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<sup>11</sup> See Report of the Audit Division on the Reform Party 2000 Convention Committee (Sept. 26, 2002).

<sup>12</sup> The repayment amount was calculated by multiplying the amount of impermissible expenditures by the ratio of total public funds received by the Committee to all funds received by the Committee, which was 98.5411 percent. See FAR at 17. Consequently, the amount of the repayment is slightly less than the amount of impermissible expenditures.

<sup>13</sup> The remainder of the repayment amount was comprised of several smaller expenditures that were determined by the Commission to have been improper.

IV. THE LAW

Under the Fund Act, a political party that satisfies certain criteria is eligible to receive public financing for its presidential nominating convention. 26 U.S.C. § 9008. To qualify for public financing for its presidential nominating convention, a political party must "establish a convention committee which shall be responsible for conducting the day to day arrangements and operations of that party's presidential nominating convention." 11 C.F.R. § 9008.3(a)(2). The convention committee shall receive all public funds to which the party is entitled for its presidential nominating convention. *Id.* "All expenditures on behalf of the national committee for convention expenses shall be made by the convention committee." *Id.*

A committee that receives public funds for its presidential nominating convention may use those funds only for the following purposes: (1) to defray convention expenses incurred by or on behalf of the national committee receiving the public funds; (2) to repay the principal and interest on loans used to defray convention expenses; and (3) to restore funds (including advances from the national committee to the convention committee), other than contributions to the committee for the purpose of defraying convention expenses, where such funds were used to defray convention expenses. 26 U.S.C. § 9008(c); 11 C.F.R. § 9008.7(a). Convention expenses include all expenses incurred by or on behalf of a political party's national committee or convention committee with respect to and for the purpose of conducting a presidential nominating convention or convention-related activities. 11 C.F.R. § 9008.7(a)(4).

1 It is unlawful for the national committee of a major or minor party which receives  
2 any payment of public money for its presidential nominating convention to use or  
3 authorize the use of such funds for impermissible purposes as set forth at 26 U.S.C.  
4 § 9008(c). 26 U.S.C. § 9012(c)(2); 11 C.F.R. § 9012.3(b). The Commission has the  
5 power to initiate, defend or appeal any civil action in the name of the Commission to  
6 enforce the provisions of the Fund Act. 2 U.S.C. § 437d(a)(6). Any person who believes  
7 that a violation of the Fund Act has occurred, may file a complaint with the Commission.  
8 2 U.S.C. § 437g(a)(1).

9 The Commission is required to conduct an examination and audit of the  
10 convention committee no later than December 31 of the calendar year of the convention.  
11 26 U.S.C. § 9008(g); 11 C.F.R. § 9008.11. A national committee that has received  
12 federal money for use in connection with its presidential nominating convention shall  
13 repay to the U.S. Treasury any amounts that the Commission determines to be repayable.  
14 11 C.F.R. § 9008.12(a)(1). The Commission may make a repayment determination under  
15 any of the following circumstances: (1) if the committee received a payment in excess of  
16 that to which it was entitled; (2) if the committee exceeded applicable expenditure  
17 limitations; (3) if the committee accepted contributions to defray convention expenses  
18 which, when added to the federal funds received by the committee, exceeds applicable  
19 expenditure limitations; or (4) if public funds received by the committee were used for  
20 impermissible purposes. 11 C.F.R. § 9008.12(b).

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8 **B. MUR 5169**

9 **1. Allegations**

10 The complaint in MUR 5169, though not entirely clear, appears to allege that the  
11 Committee violated the Fund Act by spending public money on the Long Beach  
12 Convention, which was allegedly not conducted in accordance with RPUSA rules.<sup>19</sup>  
13 Specifically, the complaint states that Mr. Moan, as Chairman of the Committee:

- 14 • knowingly provided 500,000 supporters of Mr. Buchanan with presidential  
15 nominating ballots even though these persons did not meet the criteria for  
16 receiving ballots under RPUSA rules;
- 17 • supported the efforts of the Buchanan campaign to prevent the RPUSA's  
18 Presidential Nominations Committee from conducting an audit of the lists  
19 of primary voters that were provided by the candidates;
- 20 • opposed the action of the Executive Committee of the RPUSA to  
21 disqualify Buchanan as a candidate for the RPUSA presidential  
22 nomination as a sanction for obstructing the aforementioned investigation  
23 into the qualifications of these Buchanan supporters;
- 24 • actively supported the effort by the Buchanan campaign to rescind the  
25 RPUSA nominating process; and
- 26 • refused to seat legally elected delegates to the convention who would not  
27 pledge their support for Mr. Buchanan.
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<sup>19</sup> MUR 5169 was filed on January 30, 2001 by James Mangia, who purports to be a former Secretary of the Reform Party, and Harry Kresky, who purports to be a member of the Reform Party 2000 Presidential Nominations Committee.

**2. Responses**

Two responses to the complaint in MUR 5169 were filed. One was filed by Buchanan Reform, Inc. ("BRI") and the other was filed by the Committee.

**(a) BRI Response**

BRI points out that the complaint "does not make any specific factual allegations about Buchanan Reform, Inc., and it does not identify any provisions in [the Act] that Buchanan Reform, Inc. has allegedly violated." Consequently, BRI contends that the complaint is "insufficient as a matter of law" and urges the Commission to dismiss it.

**(b) Committee Response**

The Committee explains in its response that, pursuant to party rules, primary ballots were distributed prior to the nominating convention to various categories of primary voters, including voters identified by the candidates. The Committee claims to have "received complaints from virtually every segment of the party alleging improprieties in the submission of lists of voters to be given [primary] ballots."

According to the Committee:

the Hagelin supporters alleged impropriety by Mr. Buchanan and the Buchanan supports alleged impropriety by Mr. Hagelin. To further complicate the situation, various state party members also complained that they had been treated improperly by their respective state parties.

Thus, the Committee contends that, by the time the Long Beach Convention was convened in August 2000, "many in the party concluded that the primary balloting process was fatally flawed." According to the Committee, a resolution was passed at the Long Beach Convention to override the primary balloting and select the nominees at the convention. Thereafter, the Committee contends, Mr. Buchanan and Ms. Foster were duly nominated.

1 The Committee also denies each of the five specific allegations raised in  
2 the complaint in MUR 5169, as follows:

- 3 • The Committee denies that Mr. Moan knowingly permitted the Buchanan  
4 campaign to submit a list of unqualified voters to receive primary ballots. The  
5 Committee insists that Mr. Moan had no knowledge of the specifics of the  
6 lists submitted by either of the candidates.
- 7 • With regard to the allegation that Mr. Moan supported efforts to prevent an  
8 audit of the lists of primary voters, the Committee contends that such an audit  
9 is not provided for in the party rules.
- 10 • The Committee denies that Mr. Moan improperly prevented action by the  
11 RPUSA Executive Committee to disqualify Mr. Buchanan. It claims that "no  
12 properly constituted Executive Committee passed a valid resolution to  
13 disqualify Mr. Buchanan." The Committee also insists that Mr. Moan, as its  
14 Chairman, would have likewise "opposed any purported action of a rump  
15 Executive Committee to disqualify Mr. Hagelin."
- 16 • The Committee denies that Mr. Moan supported the effort by the Buchanan  
17 campaign to rescind the RPUSA nominating process. As explained above, the  
18 Committee contends that, in light of the widespread belief that the pre-  
19 convention balloting was tainted, a valid resolution was passed at the  
20 convention to disregard the pre-convention voting and select the nominees on  
21 the convention floor. The Committee insists that the party's nomination  
22 process "was meticulously followed, not rescinded."
- 23 • The Committee denies that Mr. Moan, as Chairman, refused to seat legitimate  
24 delegates to the convention. The Committee points out that the legality of the  
25 Long Beach Convention has been upheld by the California Court against  
26 identical allegations of improper seating of delegates. Moreover, the  
27 Committee notes that both complainants in MUR 5169 were parties before the  
28 California Court.

29 Thus, the Committee denies each of the five specific allegations contained in MUR 5169.

30 The Committee further points out that, in addition to having their allegations  
31 rejected by the California Court, the complainants -- Mr. Kresky and Mr. Mangia --  
32 mounted the unsuccessful attempt to prevent the Commission from certifying public  
33 financing for the Buchanan/Foster general election campaign. Thus, the Committee  
34 characterizes the allegations in MUR 5169 as a "final desperate effort" by Mr. Kresky and  
35 Mr. Mangia to revive claims that have already been rejected in various forums. In light of  
36 the foregoing, the Committee requests that the Commission dismiss MUR 5169.

1           **3. Analysis**

2           This Office recommends that the Commission dismiss MUR 5169 because the  
3           California Court has already determined that the Long Beach Convention was conducted  
4           in accordance with party rules. In fact, Mr. Kresky and Mr. Mangia, the complainants in  
5           MUR 5169, were defendants before the California Court and raised virtually identical  
6           claims in that forum. Moreover, Mr. Kresky and Mr. Mangia filed a stipulation in the  
7           California Court, in which they consented to the entry by that court of the injunction  
8           against them. The complainants have, thus, consented to the issuance of an injunction  
9           that rejects the same allegations that they raise here. Finally, the Commission, in issuing  
10          a repayment determination for only a small portion of the money spent by the Committee  
11          on the Long Beach Convention, has tacitly acknowledged that the Committee has  
12          satisfied its burden to establish that all other spending was proper. In light of the  
13          foregoing, this Office recommends that the Commission dismiss MUR 5169 as to all  
14          respondents.

15           **C. MUR 5190**

16           **1. Allegations**

17          MUR 5190 contains two allegations.<sup>20</sup> First, as in the other MURs, the complaint  
18          challenges all spending of public money on the Long Beach Convention on the grounds  
19          that the convention was not conducted in accordance with RPUSA rules. Second, MUR  
20          5190 challenges all payments made by the Committee to the law firm Cooter, Mangold,  
21          Tompert & Wayson, P.L.L.C. ("Cooter Firm") for the professional services of one of its  
22          attorneys, Dale Cooter. The basis for this challenge is that Mr. Cooter violated

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<sup>20</sup> MUR 5190 was filed on April 4, 2001 by Sue Harris DeBauche, who purports to be Chairman of the Virginia Reform Party.

1 professional ethics rules and, thus, under the Fund Act, public money could not be used to  
2 pay for his services. Specifically, the complaint alleges that Mr. Cooter acted in  
3 Mr. Buchanan's interest rather than in the party's interest.

4 **2. Response**

5 The Committee and the Party filed a joint response to the complaint in  
6 MUR 5190, denying that the Long Beach Convention was illegal.

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8 With regard to the allegations of ethical  
9 violations by Mr. Cooter, the Committee notes that the complainant in MUR 5190, Ms.  
10 DeBauche, asserted identical allegations against Mr. Cooter before the Virginia State Bar  
11 ("VSB") and the Attorney Grievance Commission of Maryland ("AGCM"), which  
12 regulate lawyers in their respective states. The Committee attached to its response  
13 documents that demonstrate that the allegations were dismissed by the two state agencies.  
14 Moreover, the Committee points out that the payments it made for legal services related  
15 to the Long Beach Convention were reviewed by the Commission's Audit Division,  
16 which raised "no questions or objections to these expenditures." Consequently, the  
17 Committee contends that all payments to the Cooter Firm were permissible.

18 **3. Analysis**

19 This Office recommends that the Commission dismiss MUR 5190 because the  
20 allegations in MUR 5190 were properly raised and rejected in other forums. Specifically,  
21 as explained above, the legality of the Long Beach Convention has been upheld by the  
22 California Court, which found that it was conducted in accordance with party rules. With  
23 regard to the allegations of ethical misconduct by Mr. Cooter, these allegations are  
24 outside the Commission's jurisdiction and have already been considered and dismissed by

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1 the appropriate regulatory bodies in Maryland and Virginia. Indeed, as set forth on the  
2 documents attached to the Committee's response, the VSB concluded, "no tribunal which  
3 adjudicates complaints of attorney misconduct in the Commonwealth of Virginia would  
4 find that Mr. Cooter engaged in ethical misconduct." Likewise, the AGCM, did not "find  
5 any actions by Mr. Cooter that violate the Maryland Rules of Professional Conduct."<sup>21</sup>  
6 For these reasons, this Office recommends that the Commission dismiss MUR 5190 as to  
7 all respondents.

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<sup>21</sup> Given that the state entities with jurisdiction over attorney professional misconduct have found no ethical violations, it is not necessary for the Commission to resolve whether the expenditure of public money for legal services from attorneys that are later found to have committed ethical violations would constitute a violation of the Fund Act by the client committee.

1 **VII. RECOMMENDATIONS**

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20 7. Dismiss MUR 5169 as to all respondents and close the file;

21 8. Dismiss MUR 5190 as to all respondents and close the file;

22 9.

23 10. Approve the appropriate letters.

24 Date: 10-2-03

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Lawrence H. Norton  
General Counsel

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BY:   
James A. Kahl  
Deputy General Counsel

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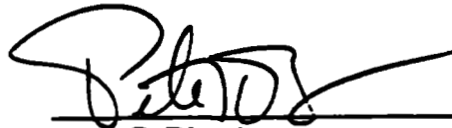
  
Gregory R. Baker  
Acting Associate General Counsel

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Peter G. Blumberg  
Acting Assistant General Counsel

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Daniel E. Pollner  
Attorney

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